

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

**SAVE OUR CABINETS,  
EARTHWORKS, and CLARK FORK  
COALITION,**

**Plaintiffs,**

**vs.**

**UNITED STATES DEPARTMENT OF  
AGRICULTURE, U.S. FOREST  
SERVICE, and CHRISTOPHER S.  
SAVAGE,**

**Defendants,**

**and**

**MONTANORE MINERALS CORP.,  
Defendant-Intervenor.**

**LIBBY PLACER MINING COMPANY,  
Plaintiff,**

**vs.**

**UNITED STATES FOREST SERVICE,  
U.S. DEPARTMENT OF  
AGRICULTURE, and CHRISTOPHER  
S. SAVAGE,**

**Defendants,**

**and**

**MONTANORE MINERALS CORP.,  
Defendant-Intervenor.**

**CV 16-53-M-DWM**

**CV 16-56-M-DWM**

**PLAINTIFFS' JOINT  
MOTION TO VACATE THE  
CHALLENGED AGENCY  
ACTIONS AND FOR ENTRY  
OF JUDGMENT**

Pursuant to Fed. R. Civ. Pro. 58 and the Administrative Procedure Act (“APA”), 5 U.S.C. §706(2), Plaintiffs Save Our Cabinets, et al. (“SOC”)(in 16-53-M-DWM) and Plaintiff Libby Placer Mining Co. (“Libby Placer”) (in 16-56-M-DWM) submit this Joint Motion To Vacate the Challenged Agency Actions found by this Court to be unlawful, and For Entry of Judgment.

In the Opinion and Order dated May 30, 2017 (Dkt. # 69), this Court found that the U.S. Forest Service’s Record of Decision (“ROD”) and Joint Final Environmental Impact Statement (“JFEIS”) for the Montanore Mine violated numerous federal laws, including the Clean Water Act (“CWA”), National Forest Management Act (“NFMA”), the Organic Act of 1897, and the National Environmental Policy Act (“NEPA”).

As a result of these findings, this Court ordered that: “The matter is remanded for further review consistent with this opinion.” Id. This Court has not yet issued a Judgment, pursuant to FRCP 58, nor vacated/set aside the agency actions held to be unlawful and arbitrary and capricious. Plaintiffs thus request that this Court vacate the ROD and JFEIS and issue a Judgment accordingly.

Pursuant to Local Civil Rule 7.1(d)(1)(A), this motion is supported by the accompanying memorandum. Pursuant to Local Civil Rule 7.1(c)(1), counsel for Plaintiffs has contacted counsel for Federal Defendants and Defendant-Intervenor

about this motion. Both stated their preliminary view that this motion is unnecessary but reserved their final position until they have an opportunity to review this motion and its supporting memorandum.

Respectfully submitted this 7<sup>th</sup> day of June, 2017.

/s/ David K.W. Wilson, Jr.

David K.W. Wilson, Jr.

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*Attorneys for Plaintiffs Save Our Cabinets, et al.*

**CERTIFICATE OF SERVICE**

I certify that the forgoing was served upon all parties this 7<sup>th</sup> day of June, 2017, by filing it with this Court's electronic filing system.

*/s/ Roger Flynn*